



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.3	Subject: WORKERS' COMPENSATION	
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3 and Attachment	
Section 3: Human Resources Bureau	Effective Date: April 1, 1996	
Signature: /s/ Mike Ferriter, Director	Revision Dates: 02/02/98; 07/26/06	

I. POLICY

The Montana Department of Corrections will immediately address any incidents of employee occupational injury or disease, investigate conditions, and implement environmental and/or procedural changes as necessary to reduce the number of occupational injuries and workers' compensation costs. The Department will ensure that impaired employees resume work as soon as possible and will provide transitional modified duty assignments until a release to full duty is advised.

II. APPLICABILITY

All Department divisions, facilities, and programs.

III. REFERENCES

- A. 19-3-504; *Montana Code Annotated, PERD*
- B. 19-20-411, 39-71-119 through 39-72-74; *Montana Code Annotated*
- C. 24.29.101 through 24.29.380; *Administrative Rules of Montana*
- D. *Supervisor's Guide to the State's ERTW Program and Work Comp (DOA Personnel)*
- E. *Work Comp Benefits Summary (Department of Labor & Industry)*

IV. DEFINITIONS

None.

V. DEPARTMENT DIRECTIVES

A. Reporting Accident or Injury

1. Employees will report all on-the-job accidents and injuries or suspected occupational diseases to their immediate supervisor as soon as practicable.
2. Unless precluded by reasonable circumstance, the employee and supervisor will complete the First Report form prior to the end of the assigned shift (see Attachment).
3. If medical care is necessary, the supervisor should encourage and assist the employee in obtaining the required care.
4. Employees living on Department premises will not be covered Workers' Compensation insurance while in off-duty status unless they are providing Department services that have been pre-approved by an authorized management official.

B. Management Responsibilities

1. As necessary, the supervisor, or other designated person, will conduct an investigation of the incident.

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2. The supervisor will send the First Report form to the Human Resources Bureau within eight hours of completion where the bureau will complete the report and establish a tracking file.
3. The Human Resources Bureau will forward the First Report form to State Fund within six days of the incident.

C. Compensation for Lost Time

1. State Fund will provide wage loss benefits (temporary total disability) only when the wage loss exceeds four days or 32 hours. Employees may request use of other available leave or leave without pay for the lost time prior to receipt of State Fund benefits.
2. Sick leave and temporary total disability benefits from the workers' compensation insurance carrier may not be paid concurrently. Sick leave may be used to makeup the difference between the State Fund benefit and an employee's full salary if provided within a collective bargaining agreement.
3. Annual leave may be used concurrently with State Fund wage loss benefit.
4. The Human Resources Bureau will work closely with State Fund and Department employees to address concerns and questions about employee rights, payments, and other issues of employee benefits.

D. Requesting Leave of Absence

1. Employees must request a leave of absence due to an accident, injury, or disease covered by Workers' Compensation using standard leave request procedures. Failure to request leave may result in disciplinary action.
2. Supervisors who question the need for employee leave requests as a result of a workers' compensation injury should consult with Human Resources Bureau staff to seek medical certification.
3. Supervisors will maintain weekly communications with employees on workers' compensation leave, either in person or by phone. This communication will allow employees to update supervisors on their progress and request assistance, where necessary.

E. Transitional Work

1. The Department is committed to implementing the State "Early Return to Work Program" that involves working closely with injured workers and their health care providers to return injured employees to regular work as soon as possible.
2. Supervisors and Human Resources Bureau staff will identify transitional, or light-duty work task assignments when possible, depending on a particular position and the employee's particular circumstances. Transitional positions are extremely beneficial in facilitating the employees return to the time-of-injury position. Transitional work assignments must be approved by the employee's medical provider.

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3. Employee pay during a transitional work assignment will be maintained at their current rate.
4. Transitional work assignments will ordinarily last for no more than 30 calendar days. Supervisors may extend a transitional work assignment upon review of current medical information.
5. An employee who returns to work in a transitional work status will have his or her job retained for a reasonable amount of time, which will be determined based on Department needs and medical prognosis for full-time release, or until a medical decision is made that the employee will not be able to perform the required work.
6. Transitional positions will not become permanent.
7. Employees must provide a signed physician's report or release indicating there are no restrictions before returning to regular duty.

F. Reemployment to Time-of-Injury Position

1. Employees will be reemployed to the time-of-injury position on a case-by-case basis according to Department needs.
2. Employee protections established under a labor agreement, the Family and Medical Leave Act, the Americans with Disabilities Act, or the Montana Human Rights Act will be assured.
3. During an employee's absence, his or her position may be temporarily filled.
4. Employees who return to work for a brief period (30 calendar days or less) and suffer a reoccurrence of their injury will be considered on cumulative leave.
5. Injured employees released to regular duty by attending physicians will be given preference over other applicants for the same or another comparable vacant position for a period of two years.

G. Retirement

1. Employees covered by a PERA or TRA retirement system who are absent from work because of a compensated job-related injury may elect to qualify the absence for retirement credit.
2. Appropriate election forms may be obtained by contacting the Human Resources Bureau.

VI. CLOSING

Employees will follow the provisions of this policy unless the policy conflicts with negotiated labor contracts or specific statutes that will take precedence to the extent applicable.

Questions concerning this policy should be directed to the Human Resources Bureau.

VII. ATTACHMENT

First Report Form (Attachment)
(filed separately in the electronic policy manual)